

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

NECA-IBEW PENSION FUND (THE) No. 1:11-cv-00451-TSB
DECATUR PLAN) and DENNIS PALKON,)
Derivatively on Behalf of CINCINNATI BELL)
INC.,)
)
Plaintiffs,)
)
vs.)
)
PHILLIP R. COX, et al.,)
)
Defendants,)
)
– and –)
)
CINCINNATI BELL INC., an Ohio)
corporation,)
)
Nominal Party.)
)

ORAL ARGUMENT REQUESTED:
PLAINTIFF'S REQUEST FOR ORAL ARGUMENT ON ITS MOTION FOR LEAVE TO
FILE AMENDED COMPLAINT AND DISMISS DEFENDANT WENTWORTH

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Pursuant to S.D. Ohio Civ. R. 7.1(b)(2), Plaintiff respectfully requests that this court hold oral argument on plaintiff's Motion (for Leave) to File Amended Complaint and Dismiss Defendant Wentworth (Dkt. No. 66).

In brief, whether plaintiff is given leave to amend its complaint to add or drop parties to correct a jurisdictional defect as to subject matter jurisdiction is a question with ramifications for a wide variety of cases filed in the district courts. It goes directly to the liberal application of Fed. R. Civ. P. 15 and the court's authority to dispense with non-diverse parties to maintain diversity jurisdiction.

Accordingly, plaintiff respectfully requests this Court hold oral argument on the pending motion for leave to amend the complaint.

DATED: February 8, 2012

Respectfully submitted,

LANDSKRONER • GRIECO • MERRIMAN, LLC

s/ Jack Landskroner

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

This ***Oral Argument Request*** was filed on the Court's electronic filing system on February 8, 2012, on which it will be available for viewing by counsel of record, who will receive electronic notice from the Court of its filing.

s/ Jack Landskroner

JACK LANDSKRONER